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7 Counsel for Defendant ALCOCER
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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11

12 UNITED STATES OF AMERICA,)	No. CR 10-00449 MMC
)	
13 Plaintiff,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE
14 vs.)	
)	
15 OSCAR ALCOCER,)	
)	
16 Defendant.)	
_____)	

17

18 The parties jointly request that, subject to the Court's approval, the status conference
19 presently set for October 6, 2010 be continued to October 13, 2010 at 2:30pm.

20 When defendant Oscar Alcocer last appeared before the Court on September 29, 2010,
21 the parties requested that the Court put the matter over for only one week in order to allow the
22 parties to evaluate a potential resolution of the matter. Unfortunately, the parties now recognize
23 that additional time will be necessary, given the availability of counsel for both parties, to
24 attempt to resolve the matter.

25 Accordingly, the parties jointly stipulate and request that this Court continue the hearing
26 from October 6 to October 13 at 2:30pm.

1 The parties agree to an exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161,
 2 from October 6, 2010 to October 13, 2010, given the need for both parties to have a reasonable
 3 opportunity for effective preparation and for continuity of counsel.

4 Based upon the representation of counsel and for good cause shown, the Court finds that
 5 failing to exclude the time from October 6, 2010 to October 13, 2010 would unreasonably deny
 6 the defendant and his counsel the reasonable time necessary for effective preparation, taking into
 7 account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court further finds
 8 that the ends of justice served by excluding the time from October 6, 2010 to October 13, 2010
 9 from computation under the Speedy Trial Act outweigh the best interests of the public and the
 10 defendant in a speedy trial. Therefore, IT IS HEREBY ORDERED that the time from October 6,
 11 2010 to October 13, 2010 shall be excluded from computation under the Speedy Trial Act. 18
 12 U.S.C. § 3161(h)(7)(A) and (B)(iv).

13 IT IS SO STIPULATED.

14
 15 9/30/2010
 16 DATED


/s/
 BENJAMIN P. TOLKOFF
 Assistant United States Attorney

17
 18
 19 9/30/2010
 20 DATED

/s/
 JODI LINKER
 Assistant Federal Public Defender

21 IT IS SO ORDERED.

22
 23 October 1, 2010
 24 DATED


 MAXINE M. CHESNEY
 United States District Judge